

## MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING

26 April 2004

**PRESENT:** Cynthia A. Herman, Chairman  
Gary Daniels, Vice Chairman  
Noreen A. O'Connell, Member  
Len Mannino, Member  
Lawrence D. Pickett, Member  
Katherine E.L. Chambers, Town Administrator  
Darlene J. Bouffard, Recording Secretary

**1. CALL TO ORDER:** Chairman Herman called the meeting to order at 5:30 p.m.

**2. MINUTES:** The final minutes of March 22, 2004 were presented to Chairman Herman for approval. Changes were requested on Page 3, lines 4/5 to change the effective date to March 11, 2004; on Page 2 Chairman Herman explained that there were some discussions about making a change but no decision for revisions was made; on Page 7 Chairman Herman said the vote taken was to take no action thus conforming with the Wage and Administration Manual; on Page 8, line 27 Chairman Herman asked if something was done by the Board to which Town Administrator Chambers explained an ad was put in the newspaper; on Page 9, line 15 add the word "could"; on Page 7, line 33 remove the word "is". Vice Chairman Daniels moved to approve the amended minutes of March 22, 2004. Selectman O'Connell seconded. All were in favor.

The final minutes of the March 29, 2004 meeting were presented to Chairman Herman for review. Chairman Herman suggested the edited minutes be provided back to Board of Selectman members to be reviewed at the next meeting - there are too many handwritten changes. Vice Chairman Daniels moved to table the March 29, 2004 minutes until the next meeting. Selectman O'Connell seconded. All were in favor.

### 3. REPORTS OF BOARDS & SPECIAL COMMITTEES:

**-Board of Selectman Goals.** Chairman Herman added a couple of items to the list of goals including an Ambulance Department Structure review and a Town Clerk/Tax Collecting Department review. Vice Chairman Daniels asked about the Impact Fees completion and voiced his concern with "rigorous support" of that. Chairman Herman explained that two years prior it was a topic for the Board of Selectman and if it is not kept as a topic it will go to the back burner. She suggested removing the words "rigorous support" - she just wants to keep the impact fees on the list of Board of Selectman activities so it does not slide off. Town Administrator Chambers said there are staff members who have been tasked with getting this accomplished this year. Chairman Herman asked where that accomplishment will put the Town. Town Administrator Chambers said these are the last 3 fees left to work out. Chairman Herman is therefore comfortable taking it off the Board of Selectman goals, since there are only 3 left. Vice Chairman Daniels moved to accept the goals of the Board of Selectman for 2004 and that at the next Board of Selectman meeting the timelines will be established. Selectman O'Connell seconded. All were in favor.

**-Building Committee.** Vice Chairman Daniels reported on the Building Committee meeting. Mike Trojano contacted Town Administrator Chambers and said that the insurance company would like an estimate of what it would cost to demolish the Garden Street building

**-Conservation Commission.** Selectman Mannino reported that the Conservation Commission does not support having a dog park on conservation land - a letter will be forthcoming to explain why. Over the next few months, there will be a determination if any Town forest will be in need of timber management.

**-DO-IT Committee.** Selectman Mannino attended his first DO-IT meeting and feels the group works very hard and he was welcomed by everyone. The group talked about new initiatives for fundraising, which is where the focus will be for a while. Selectman O'Connell is still on the design committee for DO-IT and Bill Ruoff will be attending the next design meeting as well, which is on May 18 at 8:30 a.m. at the DO-IT office.

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**-Facilities Committee.** There is nothing new to report.

**-Heritage Commission.** Selectman O'Connell reported that this commission is in process of logging historical places together and they would like to set up criteria to have an award for buildings being restored.

**-Impact Fee Committee.** There is nothing new to report.

**-MACC Base.** There is nothing new to report.

**-MIDC.** Selectman O'Connell is working to get an investigation into the TIFF grant for development on the industrial portion of the Brox property. The problem with TIFF grants is they usually have to have a company attached to them (someone ready to purchase property). There is a piece of land-locked land in the middle of the parcel and that was part of the discussion.

**-NRPC Update.** There will be a discussion later this evening.

**-PEG Access Committee.** Vice Chairman Daniels attended the organizational meeting last Wednesday and now the committee is gathering information. The date of the next meeting has not been set yet due to a scheduling conflict with Chairman Tim Finan.

**-Personnel Committee.** There is nothing new to report.

**-Planning Board.** Selectman O'Connell reported that the golf course has received a conditional approval and the Planning Board is working on growth management.

**-Recreation Commission.** There is a meeting on May 12 in the Board of Selectman room at 7 p.m. to start the reorganization process and to discuss fees.

**-Recycling Committee.** Vice Chairman Daniels attended the meeting on the 14th and brought up the idea of merging the Recycling and Solid Waste Committees and the members were in favor. The committees will meet to discuss finding a mutual time to meet with both committees together.

**-Regional Water District.** Discussion is planned later this evening.

**-School Board.** Vice Chairman Daniels reported that the new Superintendent was starting on April 30<sup>th</sup> and there is nothing new (beside the request for a demolition cost estimate) on the insurance regarding Garden Street.

**-Solid Waste Committee.** This will be combined with the Recycling Committee.

**-Zoning Board.** There is nothing new to report.

There were no other reports for this evening.

### 4. APPOINTMENTS:

**6:00 p.m. - 31:95 Public Hearing for Unanticipated Funds.** Chairman Herman opened the Public Hearing at 6:00 p.m. and reviewed the list of unanticipated funds for acceptance under RSA 31:95-b for the following:

\$ 200.00	Milford Mediation - Donation from Thomas Hoose
\$ 4,046.00	Milford Mediation - Contribution from the Town of New Ipswich
\$ 2,000.00	Donation to the Police Canine Unit
	Donation from the Estate of Geraldine L. Marchesi to be used for Zed's care and to carry out the duties of the canine unit.
\$ 1,025.00	Facilities Plan Committee
	Local donation for the benefit of the Facilities Plan Committee

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\$ 683.00      Defibrillator - Fire Department  
Donation from Coca-Cola for the purchase of a defibrillator for the Fire Department

Chairman Herman asked if there was any public comment, which there was none. Vice Chairman Daniels moved to accept the unanticipated funds as listed. Selectman O'Connell seconded. All were in favor. The Public Hearing was closed at 6:03 p.m.

**6:30 p.m. - Police Station Building Committee - Request for Proposal for Architect.** Joe Stella, Chairman of the Building Committee presented to the Board of Selectmen the proposed request for Architectural Services to construct a Police Facility. Selectman Pickett expressed his concern with the 3-week turn around time for a response to this RFP. Mr. Stella said any architectural firm that wants to respond could contact the Board of Selectman and explain why they cannot meet that timeframe. Some modifications were made to the RFP by various Board members and noted by Town Administrator Chambers. Vice Chairman Daniels moved to accept the RFP as amended. Selectman O'Connell seconded. All were in favor.

### 5. UNFINISHED BUSINESS:

**-Amended Compost Marketing Agreement.** Vice Chairman Daniels reviewed the revised agreement and came up with questions, including the quantity of compost under number 4. Vice Chairman Daniels felt the language changes were drastic since the last review. Larry Anderson, WWTF Superintendent, said he can address any questions on the agreement. Chairman Herman asked if there is a written program in place for residents to get compost. Larry Anderson responded that it is not written. Chairman Herman noted that because this agreement is being reviewed, there will be more of an interest from residents to get free compost, and she asked what would be the impact if everyone came to get compost. Larry Anderson responded that there is plenty of the compost and it will not run out. Vice Chairman Daniels asked how much compost was used by residents last year. Larry Anderson said only about 2% - it was very minimal. Vice Chairman Daniels has several other questions that may need to be reviewed by a subcommittee, as does Selectman Mannino. Chairman Herman asked that Larry Anderson wait another two weeks to finalize the agreement and asked if he has enough storage. Larry Anderson said it is getting tight, but it should be okay. Chairman Herman suggested Vice Chairman Daniels and Selectman Mannino sit down with Larry Anderson to get the questions addressed. Vice Chairman Daniels moved to table this agreement until the next Board of Selectman meeting. Selectman Mannino seconded. All were in favor.

**-Formation of Ambulance Study Committee.** Town Administrator Chambers indicated that since Frank Zielinski was added to the committee, it will now have 8 members and needs to be changed in the charge. Chairman Herman suggested that Selectman Pickett be just a member, but not a voting member to keep it at 7 members. Selectman Pickett agreed. Town Administrator Chambers also indicated that a timeline needed to be defined to help with staff morale. Chairman Herman noted the charge states November 1, 2004 and asked if it needs to be sooner than that? Eric Schelberg, Ambulance Director, feels it needs to be September 1, if that is okay. Chairman Herman asked Selectman Pickett to request that of the committee, to see if September 1 would be acceptable, to which Selectman Pickett agreed. Vice Chairman Daniels moved to change the timeline from November 1 to September 1 and that if an extension is needed the committee would let the Board of Selectman know. Selectman Pickett seconded. All were in favor. Vice Chairman Daniels moved to appoint Frank Zielinski as a member of the Ambulance Study Committee. Selectman O'Connell seconded. All were in favor.

**-Discussion of Government Study Committee Charge.** Selectman O'Connell wondered if the present form of Government should be a part of this charge as well as new forms of Government. Vice Chairman Daniels suggested a change to accommodate Selectman O'Connell's recommendation and suggested the following verbiage: "A study and assessment of the various forms of municipal government including changes that can be made to the existing form of government allowed ..." All members agreed with the verbiage. Vice Chairman Daniels moved to accept the Government Study Committee charge as amended. Selectman O'Connell seconded. All were in favor.

**-Appointment of Separate Water/Sewer District Study Committee.** Town Administrator Chambers explained to the Board that she has not heard from anyone other than the original two people interested in this study committee. The ad in the newspaper allows people until the end of this week to contact her. Vice Chairman Daniels moved to approve the Water & Sewer Village District charge as follows:

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Research the establishment of a water and sewer village district in the Town of Milford in accordance with RSA 52:1, said committee to report their findings and make a recommendation to the 2005 Town Meeting, or take any other action relative thereto? The petitioners are making this petition to 1) better protect Milford's natural water resource, 2) improve the quality of the resource and to 3) bring more effective and cost effective management of Milford's water and sewer utilities.

Selectman Pickett seconded. All were in favor.

**-Request to Reconsider Town Recreation Field Fees.** Selectman O'Connell attended the Recreation Commission meeting on April 14 and the first item discussed was the Recreation Commission charge. The second discussion was the fees and because the increased fees were not budgeted, everyone affected was willing to pay what was paid last year because that was what they had budgeted for this year. Chairman Herman stressed that the Recreation Commission make sure they make it clear on the budget timelines of all these organizations that there has been modifications made to the fee structures and they will be in place as of a certain date. The people using the fields or facilities will be represented at the Recreation Commission meetings, said Selectman O'Connell, so they would be in on all those discussions. Chairman Herman asked if there could be some advertisement placed regarding the increased fees so that if there are any other organizations not involved in the Recreation Commission we can get the word to them as well. Selectman O'Connell said the Heritage Commission is looking for members and so is the Recreation Commission, so maybe it is time to combine all that advertising. All members concurred that an advertisement would be put in the newspaper for the following: Water District Study Committee members, Recreation Commission members, Heritage Commission members, Planning Board Alternate members, and Recycling Committee members.

The next Recreation Commission meeting is May 12 at 7 p.m. in the Board of Selectman room. Chairman Herman asked if Kevin Tyska had anticipated any of these fees to support the programs planned for this year. Town Administrator Chambers explained the budget was developed without these fees, but last year there was \$180 left in the budget and the revenues from field fees last year helped a lot or there would have been a deficit in the budget. Town Administrator Chambers is not sure how it would be fair to charge the same fees as last year - the organizations who did not pay fees last year would have to pay a fee and new organizations would pay nothing. Chairman Herman understands the Board of Selectman is only looking to waive fees for Milford-based organizations. Selectman O'Connell indicated that the Souhegan Valley Soccer is an off-shoot of MCAA, but they are doing some field work on the fields they will be using. We have to be careful with the "Milford-only" because Souhegan Valley has other children than Milford but so do MCAA and SVB&GC. It is in discussion with the Recreation Commission that for those organizations the club would be credited only for the children from Milford but not for the out of town children. Town Administrator Chambers explained that last year the organizations that paid for field use included: American Legion, MMS Enrichment Program and the SVB&GC. The concern of Selectman Pickett is not to table the fees for the 2004 year but his concern is for the organizations that have started planning without a bill or without knowing what it will cost. We are implementing a fee structure in the middle of the year - the organizations should know what the fees are. As far as Town Administrator Chambers understands, Kevin Tyska has responded to everyone who has made a request for fees for this year. Selectman O'Connell said there was also some confusion as to how the invoices were written up.

The concern of Chairman Herman is that some organizations are paying less than last year, which may put the Recreation Department in a deficit. Town Administrator Chambers does not believe that the budget was developed with that extra revenue included. Typically there are shortfalls in areas like the pool. Last year, Selectman O'Connell said the SVB&GC was not using the pool so that revenue was not there; they will be using the pool and that has already been negotiated. But if Kevin Tyska is dependent on this revenue, said Chairman Herman, then we should not cut the fees back but if he is all set and can charge the fees from last year then let's do it. Selectman O'Connell said the increase in fees for some organizations was because they increased the use of the fields. Chairman Herman suggested if the department can run the programs that are lined up on the funds in the budget without the extra revenue in the increased fees, then Kevin will have to negotiate with the organizations to get through this year. Selectman O'Connell said there was no argument about if there should be fees charged, the problem was that they were not credited for the in-kind services done. Vice Chairman Daniels asked if any groups have already paid for field use this year. Rose Evans said they have not paid yet. Vice Chairman Daniels asked when the concession stand will open. Town Administrator Chambers responded that it may not open this year, except for wrapped foods such as candy bars or drinks. Selectman O'Connell would like to go back to the Recreation Commission with a decision

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from the Board of Selectman. Vice Chairman Daniels moved to use last year's fee structure so long as the programs that are in line can function on the budget numbers without using the increased fees for field use. Selectman Mannino seconded. All were in favor.

**-Request to Re-authorize Board Chairman for Signature of Easement Documents.** Diane Fitzpatrick, Conservation Commission Director, requested authorization from the Board that Chairman Herman be granted authorization to sign the easement documentation for the rail-trail parking, as had been previously given to Chairman Amato. Vice Chairman Daniels moved to authorize that Chairman Herman have the ability to sign easement documents as Chairman on behalf of the Board of Selectman. Selectman O'Connell seconded. All were in favor.

**-Consideration of State Motor Vehicle Registration - MAPP & COMPASS.** At the last Board of Selectman meeting, Town Administrator Chambers explained that the State has requested Milford to move up to the first phase of the on-line motor vehicle registration program and that she had Leen In't Veld prepare a list of possible problems with its implementation. The list was prepared and submitted to the State on April 16, 2004. MAAP is the system going on line in June. All of the issues and concerns have been listed and provided to Board of Selectman members. The information was forwarded to the Governor's office. It is now up to the State to respond. Chairman Herman suggested all members review the packet of information.

**-Request for Water/Sewer Abatement (1).** Because this abatement was in September 2001, it has passed the lien date and nothing can be done. Vice Chairman Daniels moved to approve the abatement request as follows:

Location	Water	Sewer	Total
30 Perkins St #2	\$113.78	\$170.30	\$284.08

Selectman O'Connell seconded and all were in favor.

**-Consideration of an Alternate Fiscal Year.** A meeting was scheduled for Wednesday night April 28, however because 3 out of 7 people cannot attend, it may need to be rescheduled.

**-Lease Agreement with US Cellular.** This will be taken up in non-public session.

**-Status of Osgood Pond.** Nothing new to report.

**-Town Wrecker Rotation Policy.** Awaiting revisions.

**-Non-Public Session - Personnel.** Upon motion made by Selectman O'Connell and seconded by Vice Chairman Daniels, all members assented to enter into non-public session at 9:15 p.m. for the purpose of discussing personnel issues. After discussion, a motion was made by Selectman Mannino and seconded by Vice Chairman Daniels to come out of non-public session at 9:25 p.m. No announcements were made.

**-Non-Public Session - Negotiations.** Upon motion made by Vice-Chairman Daniels and seconded by Selectman O'Connell, all members assented to enter into non-public session at 9:35 p.m. for the purpose discussing negotiations. After discussions, a motion was made by Vice-Chairman Daniels and seconded by Selectman O'Connell to come out of non-public session at 9:37 p.m. At that time, it was announced the AFSCME contract was signed.

**-Non-Public Session – 91-A:3 IId.** Upon motion made by Vice-Chairman Daniels and seconded by Selectman O'Connell, all members assented to enter into non-public session at 9:35 p.m. for the purpose discussing negotiations. After discussions, a motion was made by Vice-Chairman Daniels and seconded by Selectman O'Connell to come out of non-public session at 9:45 p.m. No announcements were made

## 6.NEW BUSINESS.

**-First Reading of Modifications to the Hawkers, Peddlers & Vendors Ordinance.** This modification is to allow Town Administrator Chambers to sign off on these requests instead of them coming before the Board of Selectman. Selectman Mannino asked if this change means each request will be handled on a case by case basis. Chairman Herman explained if it is an event that was authorized, the vendors and peddlers are allowed to work within the

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agreed timeframe. Selectman Mannino has an issue with the term "just cause." Chairman Herman indicated the modification to this ordinance is just for the approval of the request, "just cause" was in the ordinance prior to this change. Vice Chairman Daniels believes the just cause phrase relates to an event such as the fireworks which would go beyond the 9 p.m. ending time, which would be just cause to extend the selling timeframe. Town Administrator Chambers suggested this ordinance allows the Board of Selectman the discretion to allow vending beyond 9 p.m. and the phrase "just cause" could be removed. Vice Chairman Daniels moved to strike the words "just cause" in the ordinance. Selectman O'Connell seconded. All were in favor.

Selectman O'Connell asked if the ice cream vendor can sell ice cream on Sundays. Town Administrator Chambers said they would need to ask for permission to sell on Sundays. Chief Douglas asked if he should still issue permits when a vendor comes to the Police Station. Town Administrator Chambers said he would still do the permit, however, this ordinance has always said that vendors must go to the Board of Selectman first for permission, then go to the Police Station for a permit. Keyes Field is different. Chairman Herman further explained this ordinance change is only to allow the Town Administrator to approve the use rather than the Board of Selectman. Chief Douglas thought all the permits went through the Police Station, to which Town Administrator Chambers said that was how it was done, but the ordinance was not written that way. The vendors were supposed to be coming to the Board of Selectman first. The permit is separate from the permission. Vice Chairman Daniels moved to accept the first reading of the Hawkers, Peddlers & Vendors Ordinance amendment. Selectman O'Connell seconded. All were in favor.

**-Emergency Communications Plan.** The Town should complete a Town of Milford Emergency Communication Plan with all the emergency services so that when August 31 (the date by which MACC member towns must decide whether or not they plan to stay in MACC after December 31, 2004) comes up, there will be a plan if Milford was not part of MACC Base. This would include the OEM who could assist the Town, but we need to understand what is available for equipment, service requirements, etc. Chairman Herman agrees that this should be done, it is important to know what the Town has for frequency access, equipment access and all the other things. Vice Chairman Daniels indicated this could be used to go forward if the Town chooses to leave MACC Base. Town Administrator Chambers wants everyone to understand what the capabilities of the Town are and what resources are available in Town. Selectman Mannino feels the departments should already have a contingency plan in place. Town Administrator Chambers feels there may be a plan but it may not be in written form so only one or two people might know the procedure. Selectman Mannino asked if the primary focus is what will happen if one day there is no more MACC Base? Town Administrator Chambers feels it is more an everyday issue than that issues of inter-operability between Milford Services, standardization of equipment, etc. Rich Pauley said there are times during the year when MACC Base goes off the air for one reason or another and in the past, the Fire Department has stepped up for that time and goes to the alternate frequency to handle Milford calls and this is a good idea to have a backup plan available. Selectman Pickett asked what kind of effort is this - is it one hour per week or is it a lengthy project? Town Administrator Chambers said that she expects that department heads will spend about one hour per week developing the plan. Selectman Mannino asked why this is different than the ambulance study. Town Administrator Chambers said this is strictly emergency communications. Selectman Mannino asked if there will be someone involved who is in the emergency communications business. Town Administrator Chambers said this group would need to know what equipment is needed. Selectman Mannino asked about staffing? Town Administrator Chambers had not thought about bringing anyone else in other than Town staff. Selectman O'Connell does not want this to supersede solving the problems of MACC Base - she wants to move forward in solving those problems in addition to having the Town's own emergency communications people getting together. Selectman Pickett has no problem with updating the information and backup plans, but there is a plan to work with MACC Base and that should take priority. Selectman Mannino indicated he feels it is important to have someone involved not only from the technical aspects, but also another dispatch person should be involved. The Board should pull together department heads, OEM, DPW to discuss the equipment and what issues need to be addressed for emergency communications to have it done by August 2004. Town Administrator Chambers wants to be prepared and have as much information as possible. If the meetings could be scheduled during the morning, Selectman Mannino could attend and Chairman Herman would also like to attend.

**-Request to Consider NHMA Policy Issues List.** Chairman Herman is concerned about some of the Initial Policy Issues provided by the NH Municipal Association; some are not positive for the Town. If there are any questions or concerns, Chairman Herman requested they be given to her. Selectman O'Connell asked if this is something the Board of Selectman can address by e-mail? The concern of Chairman Herman is that "listening sessions" are being set up and if there are some issues the Town is concerned about, we should respond. Selectman O'Connell suggested that a member contact the NHMA to find out what NHMA does with the list. Chairman Herman will take the action



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to get in touch and update the Board of Selectman. She asked that if there are any comments that they be provided to her.

**-Discussion of Board Policy on Responding to Legislative Proposals at the State Level.** Town Administrator Chambers explained when there is legislation out there and something catches the attention of the Board, should the Board decide on the Town's stance or is the Board comfortable with Department Heads making that call? Selectman Mannino thinks there should be a policy on this. It makes sense that the Department Heads represent the Town of Milford and the Board should be aware of it if they are testifying for legislation on behalf of the Town. If it is on behalf of the Town, there should be a policy on how that is handled. Chairman Herman said there is already language in the Police policies about making a statement during work hours. She will pull together some verbiage to come up with something. Chief Douglas asked if he would he need to get permission if there were an issue in legislation that he would speak on as the Police Chief. Chairman Herman said yes, unless it is stated that he is speaking as a citizen and not for the Town. Chief Douglas said that could cause a problem as he looks at the issues from the public safety aspect. Vice Chairman Daniels asked if the issues come up sporadically or does the Chief usually know what is coming up? Chief Douglas responded that he usually knows what will be discussed ahead of time. He does not have a problem backing away from the discussions and he will not have a problem explaining his position in a certain legislative matter. Chairman Herman indicated she will come up with some language and the Board can go from there.

**-Approval of Letter Regarding Map 7, Lot 8.** Selectman O'Connell moved to approve the letter regarding the status of an abandoned portion of Old Wilton Road crossing the property at Map 7, Lot 8 to the property owner's attorney as requested. Selectman Mannino seconded. All were in favor.

**-Execution of Easement with Souhegan Valley Boys & Girls Club for Pedestrian Bridge & River.** The Boys and Girls Club has accepted the permanent trail right-of-way easement warranty deed that was presented to the Board of Selectman for acceptance. This process has been going on for over one year. Vice Chairman Daniels moved to accept the warranty deed with easement. Selectman Pickett seconded. All were in favor.

**-Consideration of Purchase of a 400 ft Triangle of Land for Pedestrian Bridge Project.** When the final engineering design was put out, it was found that the bridge goes over a tiny piece of property owned by Mary Thunberg. The owner would like to sell the land to the Town (because of the liability) for \$1,000. If this is approved, the subdivision plan will go to the Planning Board. The \$1,000 comes out of grant money. The Draft Warranty Deed for the Town to buy a triangle of land for the pedestrian bridge project was presented to the Board of Selectman for approval. Vice Chairman Daniels moved to accept the warranty deed. Selectman Pickett seconded. All were in favor. There have been 5 bids received from qualified builders ranging from \$250,000 to \$350,000. The Town is almost ready to make the award but still needs to resolve this issue with the Thunberg's. This will go to the Planning Board on May 18; the plan still needs to be drawn up. Selectman O'Connell moved to allow Chairman Herman to sign the Warranty Deed. Selectman Mannino seconded. All were in favor.

**-Formation of a Committee to Select the Design of the Fletcher Site Cap.** Town Administrator Chambers recommended the Board think about the cap that GE is required to put on the Fletcher site and the Town will be required to test and maintain forever in the future. Celeste Barr has provided information regarding this and said the Town should not just make it a parking lot but should make it attractive because it opens up the river vista. The Town needs to be careful in the planning of this cap and Town Administrator Chambers suggested that a committee be established to do this and she recommended the following people: DPW Director and Assistant Director (either/or) because of the utilities and DPW will end up maintaining the cap, Celeste Barr, Bill Parker or Lincoln Daley from the Planning Department, someone from the Heritage Commission, DO-IT, Conservation Commission, Board of Selectman, and the Allied Council, Town Administrator Chambers and Jerri Guthrie who is a landscape architect and has submitted designs for different projects around Town. Selectman Pickett asked what the Planning Department would add to this project - they seem to have a lot going. Town Administrator Chambers responded if the Board does not think it is necessary, the Planning Department can be taken off. Selectman O'Connell noted that Bill Parker has been involved from the start on this site. Chairman Herman feels the Planning Department could be just for advisement. Vice Chairman Daniels asked if it has already been determined that it will be a parking lot? Town Administrator Chambers answered it must have an impermeable cap, but it does not have to be a parking lot she said the Town needs to keep in mind that this can be costly to maintain and the Town wants to avoid that expense down the road. This committee needs to see what people want to propose, then consider it and find some balance. Vice Chairman Daniels moved to form the committee for the Fletcher Site cap with either the DPW Director or Assistant

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Director attending and with the Planning Department being in an advisement capacity only. Selectman Pickett seconded. All were in favor. Town Administrator Chambers took the action to prepare a charge for the next meeting.

**-Consideration of Keyes Pool House Addition/Improvement Project.** Two bids were received for the Keyes Pool House project and Town Administrator Chambers would like to make an award. Chairman Herman asked if the job can be split, to which Town Administrator Chambers said possibly - the Town had a difficult time getting anyone to bid on this and the second estimate came in late on Friday. Bill Ruoff would like to give it all to one vendor. Kevin Lynch said it did not matter if the job was split. Both vendors are from Milford. Town Administrator Chambers is unsure if either one would accept it if it were split. One reason Bill Ruoff is interested in Turnstone Corp., the lowest combined bidder, is because they have done masonry for many years and this job requires a lot of that type of work. Chairman Herman asked if it will get done in the timeframe. Town Administrator Chambers said both vendors agreed it could get done in the timeframe. Vice Chairman Daniels asked if the roof is flat with both vendors. Town Administrator Chambers understands that the roof for both vendors will conform to the existing roof. Vice Chairman Daniels asked if the doors can be reused. Town Administrator Chambers did not know the answer. Kevin Lynch will make a phone call to confirm everything is as needed. Selectman Pickett moved to go forward and award the contract to Turnstone Corp for the not to exceed price of \$53,452 and if it is not according to spec the Town will go with Wayne Foreman. Selectman Mannino seconded. All were in favor.

**-Amendment to MACC Agreement.** Chairman Herman indicated to the Board that a complaint has been discussed that she believes has been resolved. The MACC agreement has an amended change date of August 31, 2004 and all Boards agreed to this. Vice Chairman Daniels moved to accept the amended MACC Base agreement. Selectman Mannino seconded. All were in favor. Chairman Herman has been nominated and accepted as the Chairman of the MACC Board of Governors and has formed subcommittees to accomplish what needs to be done. Vice Chairman Daniels thinks it is good to have Chairman Herman there and making sure there is pressure to resolve the Town's issues. Chairman Herman requested that the emergency department heads keep her up to date on any problems.

**-Request to Reappoint Local Health Officer & Deputy Officer.** The appointments for Local Health Officer were submitted for Board of Selectman review and approval. Kevin Lynch has been nominated for Health Officer and William McKinney has been nominated for Deputy Health Officer. Vice Chairman Daniels moved to re-appoint Kevin Lynch and William McKinney as Health Officer and Deputy Health Officer respectively. Selectman Pickett seconded. All were in favor.

**-Discussion of Cover Suggestion for 2004 Town Report.** Town Administrator Chambers explained that the storm water management issue and the permit the Town needs to maintain by accomplishing various tasks is significant and the Board should communicate to everyone what this is all about. One of the ideas from the staff committee is to come up with a tasteful cover for the Town Report to get the word out. Hollis did it this year and we would like to come up with some designs for Board review. It can be developed by a committee made up of Town employees. One thing the Board needs to do is to educate everyone about storm water management and what people can do to help. Chairman Herman asked if it could be in a town-wide mailing. Town Administrator Chambers said that could be done - some information was included in the voter's guide this year already. Chairman Herman asked how much time will this take to develop. Town Administrator Chambers said it should not take a lot of time and the committee meets once a month. All members concurred that this could go forward.

**-Request for Written Authorization by the Town for a Business to Have Entertainment.** The Verve Jazz Bistro, located at the previous location of the Euro Café at 286B Elm Street, has requested Board of Selectman permission to offer their patrons light soloist and duo jazz style music during dinner. Selectman Mannino asked where this is located and will it affect the neighbors? Town Administrator Chambers said it is next to Sue & Don's Vacuum, near Blue Seal. Chief Douglas was told this would be background music and sees no problems. Vice Chairman Daniels moved to approve. Selectman Mannino seconded. All were in favor.

**-Request to Hold a Bake Sale During a Summer Concert.** Jennifer Hansen of the First Congregational Church in Milford has requested permission to hold a bake sale to participate in the Great American Bake Sale to end child hunger in America. This sale will take place during one of the summer concerns in Emerson Park and will take place before July 26. Town Administrator Chambers said this request falls under the hawkers & peddlers ordinance, which needs to get approved, then get a permit from Chief Douglas. Vice Chairman Daniels asked if this is for one day. Town Administrator Chambers said it is. Selectman O'Connell asked if permission has already been granted for the Masons to sell ice cream. Town Administrator Chambers said Jakes Ice Cream used to do that for the Masons but



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they have not come in yet. Selectman Pickett moved to approve. Vice Chairman Daniels seconded. All were in favor. Chairman Herman noted that a fee needs to be decided or a donation requested. Chairman Herman asked if there was a motion to have the Recreation Director request a donation, and no motion was forthcoming.

**-Request for the Planting and Dedication of a Tree in Hazel Adams Burns Park.** Barbara Parker of the Milford Girls Scouts has requested Board permission to honor a Milford Girl Scout leader by planting a tree at the Hazel Burns Adam Park on Osgood Road. Chairman Herman has called Bill Burns who has no problem with a tree being planted there. Hazel was involved in Girl Scouts. Selectman Pickett asked where the tree will be planted. Town Administrator Chambers said DPW will decide where it goes. Vice Chairman Daniels moved to approve the planting of the tree based on having DPW decide the species and location of the tree in Hazel Burns Adams Park. Selectman Pickett seconded. All were in favor.

**-Request for Taxi Cab License Renewals (2) and Taxicab Operator Permits (4).** Chief Douglas indicated he has reviewed the applications and has no problem with the requested license renewals. Vice Chairman Daniels moved to approve the two taxicab license renewals and four taxicab operator permits. Selectman O'Connell seconded. All were in favor. Since the bus is being cancelled, and some residents were using the bus for transportation to their jobs, Selectman O'Connell wondered if there is something that could be worked out to get the people to work through a donation from the cab company. Town Administrator Chambers said the taxicab owners could be asked and she would send a letter.

**-Request for Police Detail/Fee Waiver.** The Unitarian Universalist Congregation has requested a waiver from the police coverage required for a fundraising show to be held at the Milford Town Hall on May 15, 2004. Chief Douglas believes the show should require police for traffic control and pedestrian traffic, as the crowd could exceed 100. Vice Chairman Daniels moved to deny the request for waiver of police coverage. Selectman Pickett seconded. All were in favor.

**-Request to Hold a Memorial Day Parade.** The Milford VFW has requested Board permission to hold a parade on Monday, May 31, 2004 commencing at 10 a.m. Vice Chairman Daniels moved to approve the request. Selectman Pickett seconded. All were in favor.

**-Request to Renew Bowling Alley License (1).** Bowlmor Lanes has requested Board permission to renew a license to operate a bowling alley in Milford. Vice Chairman Daniels moved to approve the request. Selectman Pickett seconded. All were in favor.

**-Request to Renew Drive-In Theater License (1).** The Milford Drive-In has requested Board permission to renew a license to operate a drive-in theater in Milford. Selectman Pickett moved to approve the request. Selectman O'Connell seconded. All were in favor.

**-Request to Renew License to Sell Pistol and Revolvers (1).** Paul Livoli d/b/a Paul's Gun Shop has requested Board permission to renew a license to sell pistols and revolvers in Milford. Vice Chairman Daniels moved to approve the request. Selectman O'Connell seconded. All were in favor.

**-Acceptance of Timber Tax Levy (2).** Vice Chairman Daniels moved to accept a Timber Tax Levy in the amount of \$6,735.02 and a Timber Tax Levy in the amount of \$2,099.69. Selectman Mannino seconded. All were in favor.

**-Acceptance of Gravel Tax Levy (1).** Vice Chairman Daniels moved to accept the Gravel Tax Levy in the amount of \$376.10. Selectman O'Connell seconded. All were in favor.

**-Request for Donation-MHS Mock Trial.** The MHS Mock Trial team has requested a donation from the Town of Milford to assist with travel expenses. Vice Chairman Daniels moved to deny the request based on past practice and because the School Board has already donated \$500. Selectman Pickett seconded. All were in favor.

**-Requests for Donation - Destination Imagination.** The MHS Destination Imagination team has requested a donation from the Town of Milford to assist with travel expenses. Selectman O'Connell moved to deny based on past practice and because the School Board has already donated \$500. Vice Chairman Daniels seconded. All were in favor.

**7. ITEMS NOT ON THE AGENDA.**

**-Adelphia Complaint.** Chairman Herman has received a complaint from a resident regarding the rising cost of Adelphia cable. Chairman Herman has prepared a written response to the resident stating that at this time there is nothing further the Town can do and suggesting that he get a group together to seek an elderly rate from Adelphia. The cost of the Adelphia services has risen approximately 50%.

**-Water Charter.** Faye Richey has prepared a draft of an article for the Cabinet regarding the water supply. Town Administrator Chambers noted in the article, the potential benefits are listed but the drawbacks are not listed, which may lead the readers to believe that the Board of Selectman supports this water district. Chairman Herman indicated the water charter will be out of Committee by the time the article gets to the paper. If the Board of Selectman wants Chairman Herman to vote it out of committee she will. Faye's article was to let people know what is going on. The next step for Milford will be public hearings. Other towns such as Amherst and Bedford have gone forward and expressed that they want to join. Chairman Herman wants to make sure that the public is getting all the information that we can get out to them. We are trying to get information out so people know why there is a public hearing coming. Selectman Pickett agreed that the negative aspects should be stated in the article as well. Selectman O'Connell expressed concern that the water district would not be the business managers of the company - the company doing that will be in Connecticut and they are owned by a company in France. Selectman Pickett indicated if the article has 3 positives aspects and 3 negative aspects, then people can make their own decision. Chairman Herman noted that all the expenses incurred by Nashua in the process to take this by eminent domain will be paid for by the new water district. Selectman Mannino asked if the Eminent Domain issue needs to be settled before the Pennichuck lawsuit against the City of Nashua, or vice versa. Chairman Herman asked Town Administrator Chambers to find out the process. Selectman Mannino noted that Nashua is in a funding crisis in some areas. Vice Chairman Daniels feels if this issue is too "sugar-coated" people won't get involved. The issues that will get people on fire need to be included in the article. Selectman O'Connell said she supports the charter and believes there is nothing more that can be done to it for the good of Milford. Chairman Herman does not support the charter - she thinks the finished document does not serve enough of the communities well enough to be called done. Selectman O'Connell said if Nashua were taken out of the equation, the charter supports the other communities. Vice Chairman Daniels indicated he feels the article should express that even the Town representatives are split on this issue. Vice Chairman Daniels moved that the Board not support the charter coming out of committee. Selectman Mannino seconded. Chairman Herman, Vice Chairman Daniels, Selectman Mannino and Selectman Pickett were in favor with Selectman O'Connell opposed.

**-Newsletter.** Selectman O'Connell explained that DO-IT is talking about expanding their newsletter and would be willing to have a page for the Board of Selectman to provide information. This newsletter goes to as many people as they can get it out to.

**-CDBG.** The CDBG did not approve the grant for 1/2 million dollars for the Mill expansion. That may mean that some of the improvement to sidewalks, lighting, etc. to match the other downtown improvements may not happen. The Town may appeal this decision. The Town scored within range, but so did several other communities and only 3 could get awards with the amount of funding available.

**-Elderly Tax Liens.** Town Administrator Chambers was asked to look into tax liens that exceed the value of the property and find out what happens if the lien exceeds the value. The Town is only able to go up to 85% of the market value of the property with the exemptions.

**-Garden Street School.** Town Administrator Chambers will be writing a letter to the School Board to get the property transfer rolling and ask them to allow the Town to get the documents drawn up so everything will be ready. Vice Chairman Daniels suggested that the documentation reviewed by the counsel retained by the school district before going forward.

**-Police Station Building Committee.** An RFP was put out for site survey. It has been reviewed and is ready to be awarded. Town Administrator Chambers asked if the Board of Selectman wants to approve every dime to be spent. Chairman Herman thinks the Board needs to see the larger items, but not every dime. Town Administrator Chambers asked if a dollar amount could be set so they do not need to see every request. Vice Chairman Daniels moved to allow Town Administrator Chambers to make decisions for items under \$10,000; any item \$10,000 or more must come before the Board of Selectman for approval. Selectman O'Connell seconded. All were in favor.

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### 8. INFORMATION ITEMS.

### 9. ANNOUNCEMENTS.

**-Next BOS Meeting.** The next regular meeting of the Board of Selectmen will be Monday, 10 May 2004, at 5:30 p.m.

There being no further business to come before this Meeting, the Board adjourned at 9:55 p.m.

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Chairman

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Vice Chairman

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